
**COUNTY OF LOUDOUN
PROFFER REFERRAL TEAM
MEMORANDUM**

DATE: November 15, 2007
TO: Mike Elabarger, Project Manager
FROM: Proffer Referral Team
THROUGH: Daniel Csizmar, Capital Facilities Planner
SUBJECT: **Proffer Referral Comments
ZMAP-2005-0024, Belmont Overlook**

This memorandum is in response to your request for comments regarding the proffer statement submitted for ZMAP-2005-0024. This referral represents the combined comments of all County Departments with capital facility planning responsibilities.

[Proffer I] Please revise the proffer statement to provide that the development of the property will be in substantial conformity with the Concept Development Plan (CDP), identified as Sheets 3, 4 and 6 of the Rezoning Plan Set.

[Proffer I - ADU's] County policy dictates that the Applicant provide 12.5% of all proposed single family detached and single family attached units, and 6.25% of all multi-family units, as Affordable Dwelling Units (ADU's) within the rezoning. With 149 single family attached housing units proposed, the Applicant must provide 19 Affordable Dwelling Units (ADU's). The locations of the ADU units need to be dispersed throughout the market rate units on the property, and their location needs to be displayed on the record plat.

[Proffer V] Please revise the proffer statement to provide that all Transit Capital Cost Contributions and Regional Transportation Improvement Contributions will be used for transit-related capital projects or regional road improvements in the Ashburn or Dulles Planning Subareas.

[Proffer V.A] Please revise the proffer statement to provide the dedication of all right-of-way along Route 659 in conjunction with the approval of the first residential site plan or record plat for the property, or upon request of the County. The County requires the ability to obtain the right-of-way upon request for the widening of Route 659 in advance of development on the property if necessary.

[Proffer VI] Please revise the proffer statement to provide a per unit capital facility contribution of \$13,666 per unit, not the stated per unit contribution of \$13,352. This per unit capital facility contribution is the contribution required after credits have been granted for all units allowed under current base density and for all proposed ADU units provided within the development. The remaining required capital facility contribution amount was divided by the 149 proposed housing units to obtain the required per unit contribution amount of \$13,666.

[Proffer VI] The rezoning is split between the Ashburn and Dulles Planning Subareas. 129 housing units are located in the Ashburn Planning Subarea, 20 units are located in the Dulles Planning Subarea. Please

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revise the proffer statement to provide that the capital facility contributions will be used by the County for the development of capital facilities in the Ashburn or Dulles Planning Subareas.

[Cash Contribution Adjustments] Please revise the proffer statement to provide that all cash contributions provided in this proffer statement shall be adjusted annually by the greater of either: 1.) the Construction Cost Index (CCI) as reported by Engineering News Record, for this region, or 2.) the Consumer Price Index (CPI-U) All Urban Consumers, Washington-DC-MD-VA-WV, reapplied accordingly to determine current cash contribution values.

[Road Construction] Please revise the proffer statement to provide for the construction of all on-site public and private roads and trails as depicted on the CDP. Please state that the Applicant will dedicate all right-of-way, bond for construction and construct all of the depicted roads, and any off-site road segments the Applicant proposes to provide, with required turn lanes and adequate transitions. Fulfillment of the proffers will be contingent upon the construction of all proffered roads and trails as depicted on the CDP.

[Group Homes] Staff requests that the Applicant construct and convey to Loudoun County a single family detached handicapped accessible house with fire suppression with at least four bedrooms and an office. Applicant's proffered house site will be evaluated for suitability by MHMRSAS against Loudoun County land acquisition parameters and by Department of General Services against County site design parameters.

The group home shall be at a location designated by the Developer after input from the County on the County's preferences, but shall be located within one (1) mile of an area zoned for commercial retail uses. The specific location of the group home site will be specified at the time of recordation of the first record plat for the land bay in which the group home will be located, and the designated location of the group home site will be disclosed to purchasers of lots in such land bay.

A prototypical design and specification for the group home and a summary of program requirements will be provided to the Applicant by Loudoun County. The Applicant shall modify the prototype as needed to fit the site, and obtain approval for all modifications from General Services prior to construction. Design and construction shall be in accordance with all applicable Codes and Loudoun County design standards and all applicable ADA standards.

Applicant shall provide any required site environmental remediation, extension of public utilities to the site and a Certificate of Occupancy prior to conveyance. The Applicant shall also provide a one year warranty on the house, including all systems, finishes and appliances. The Applicant shall provide copies of all warranties and As-Built plans prior to conveyance.

The home must be able to be licensed by the state, operated as a group home and be able to accommodate handicapped clients.

The lot dedicated shall have a minimum lot size of six thousand five hundred (6,500) square feet and a minimum street frontage of sixty-five (65) feet. Construction of the group home shall commence concurrently with the issuance of a zoning permit for the _____ residential dwelling unit on the Property, and shall be diligently pursued. Conveyance of the group home and lot to the County or its designee shall take place upon completion of construction, but no later than one year after issuance of the zoning permit for such group home. This lot and group home are included within the total number of dwelling units allowed on the Property.

If you have any questions concerning this correspondence, please call me at (703) 771-5997

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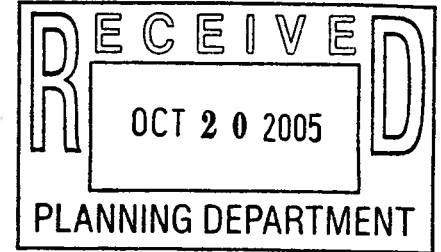
COMMONWEALTH of VIRGINIA

GREGORY A. WHIRLEY
ACTING COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

October 17, 2005



Mr. Jason Rogers, Project Manager
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Belmont Overlook
Loudoun County Application Number: ZMAP 2005-0024

Dear Mr. Rogers:

We have reviewed the above application as requested and offer the following comments:

1. The applicant should provide frontage improvements for Belmont Ridge Road, Route 659, including right-of-way dedication, road widening, turning lanes (right and left), tapers and transitions, etc. The dedication of right-of-way should also include turning lanes in addition to the required 60'.
2. Private streets/entrances should conform to VDOT's *Minimum Standards of Entrances to State Highways*, latest edition. The minimum and maximum width of a two-way entrance should be 30' and 40' respectively. Additional details with width of the entrances originating from a public street should be shown on the plan.
3. The applicant is cautioned that depending upon the final location of the proposed intersecting streets along Belmont Ridge Road median crossover for this development is not guaranteed. Since Belmont Ridge Road per Loudoun County *Countywide Transportation Plan* is planned to be a controlled access median divided collector (U4M), an entrance should only be permitted at a median crossover.
4. The proposed entrance on Belmont Ridge Road should be relocated further south to accommodate a 400' turn lane with a 100' taper.

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Mr. Jason Rogers, Project Manager

October 17, 2005

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5. Improvement to existing Alford Road, Route 646, should also be provided. This should include dedication of right-of-way to 50' and reconstruction of this road (along the entire frontage) to either a shoulder-ditch (20' wide) or a curb-and-gutter (36' wide) section. Preferably this section should match the existing road. The angle of intersection with Route 659 should be improved to ninety-degrees to re-align with the Village of Waxpool entrance across the street.

6. The applicant should provide monetary contribution towards design, construction and installation of traffic signals at Belmont Ridge Road/Site Entrance/Alford Road.

7. What is the status of the strip of land between the 60' right-of-way and the property line south of the existing Alford Road?

If you have any questions, please call me at (703) 383-2046.

Sincerely,



Rashid Siraj, P.E.
Transportation Engineer

(Com.10-17-05)

A-095



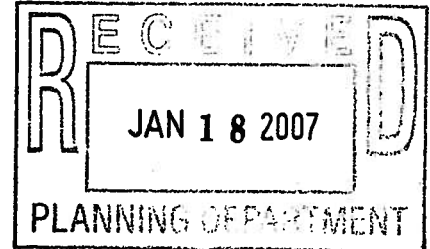
COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

January 4, 2007



Mr. Michael Elabarger, Project Manager
County of Loudoun
Department of Planning *MSC #62*
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Belmont Overlook
Loudoun County Application Number: ZMAP 2005-0024

Dear Mr. Elabarger:

We have reviewed the above application as requested and offer the following comments:

1. Our previous Comment 1 has not been satisfactorily addressed. The applicant should provide frontage improvements for Belmont Ridge Road, Route 659, as stated. With such a large-traffic-generating development, road improvements are necessary for the existing high-speed-high-volume Route 659. At a minimum the applicant should construct one-half of the ultimate section of this road with turning lanes. Proffers should be revised accordingly. (An entrance to this development should not be permitted unless appropriate improvements are provided or funded for construction and placed in an escrow).
2. Our previous Comment 4 has not been satisfactorily addressed. Entrance location should be adjusted at his time to accommodate turning lanes as stated. No comment should be left pending (or unaddressed) for future reconciliation/reconfiguration.
3. If a divided commercial entrance is proposed for the development it should conform to *VDOT Minimum Standards of Entrances to State Highways*, latest edition. The minimum and maximum width of the one-way (divided) entrance should be 14' and 20' respectively.
4. Our previous Comment 5 has not been satisfactorily addressed. As stated the existing Alford Road, Route 646 should be relocated at ninety-degrees (90⁰) to Route 659 and aligned with the road across the street in the Villages of Waxpool. The minimum width of shoulder for this road should be 4', if the traffic volume is not projected to exceed 400 vpd. Again proffers

Mr. Michael Elabarger, Project Manager
January 4, 2007
Page Two

and plat should be revised at this time to avoid complication in future.

5. Our previous Comment 7 has not been satisfactorily addressed. The applicant should ensure that a "spite strip" is not created between the right-of-way (existing or proposed) and the property line.

If you have any questions, please call me at (703) 383-2046.

Sincerely,



Rashid Siraj, P.E.
Transportation Engineer

(Com-2.01-04-07)

A-097

November 9, 2007

Mr. Michael Elabarger, Project Manager
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Belmont Overlook
Loudoun County Application Number: ZMAP 2005-0024

Dear Mr. Elabarger:

We have reviewed the above revised application as requested and offer the following comments:

1. Our previous Comment 1 has not been satisfactorily addressed. All improvements should be shown on the plan.
2. The applicant should also dedicate additional right-of-way to accommodate future shared-use path (trail) in accordance with Loudoun County *Bicycle & Pedestrian Mobility Master Plan*.
3. The applicant should be aware that the road layout/improvements shown on this application is purely conceptual since adequate design information (curve data, typical section, etc) has not been provided on the rezoning plat. For the facility to be eligible for acceptance in the state's secondary road maintenance program (whether new or improvements to existing conditions) the design shall conform to all applicable standards regardless of any previously approved proffered conditions. It is therefore the applicant's responsibility to ensure that all work is designed in accordance with the applicable road classification, as outlined in VDOT *Road Design Manual* (and other applicable design standard manuals), including design speed, lane widths, lane configuration (number of lanes), road curvature, vertical alignment, length of turning lanes, transitions, sight distance, etc. If the construction plan submitted in future is found in non-conformance with the requirements stated above then we reserve the right at that time to recommend revision, which may be substantial in some cases and may cause major delay in plan approval

If you have any questions, please call me at (703) 383-2046.

Sincerely,

Rashid Siraj, P.E.
Transportation Engineer



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

March 11, 2008

Mr. Michael Elabarger, Project Manager
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000



Re: Belmont Overlook
Loudoun County Application Number: ZMAP 2005-0024

Dear Mr. Elabarger:

We have reviewed the above revised application as requested and have no objection to the approval with the following condition:

1. A satisfactory resolution for the improvement of Belmont Ridge Road, Route 659, in front of the property, will be achieved conforming to the requirements of Loudoun County and Virginia Department of Transportation (VDOT), prior to development of construction plans.

If you have any questions, please call me at (703) 383-2046.

Sincerely,

Rashid Siraj, P.E.
Transportation Engineer

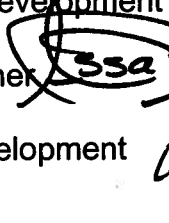
(App.03-11-08)

A-098.1

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: October 26, 2005

TO: Jason Rogers, Planner, Department of Building and Development

FROM: Shaheer Assad, Senior Transportation Engineer/Planner 

THROUGH: Arthur J. Smith, Senior Coordinator Planning and Development

SUBJECT: **ZMAP 2005-0024 Belmont Overlook**
First Referral

Background

The applicant, K. Hovnanian Homes Inc. is seeking to construct 168 single family attached residential units located on the west side of Belmont Ridge Road (Route 659) and the south and north sides of Alford Road (Route 646). Please see Attachment 1, Project Vicinity Map. The applicant requests to rezone approximately 40 acres from R-1 to R-8. The proposed access to the site will be from Belmont Ridge Road.

Existing, Planned and Programmed Roads

Belmont Ridge Road is currently a major collector 2-lane paved road, with 10 feet travel lanes. The segment of Belmont Ridge Road is planned in the CTP to be a median divided 6-lane road within a 120-foot right-of-way with controlled access. Bicycle and pedestrian accommodations must be considered in the ultimate design of the road and may require additional right-of-way.

Alford Road is a local two-lane road extends from Route 659 and dead end to the west of Route 659. The road is narrow, and there is no speed limit posted on this road.

Existing and Forecasted Traffic Volumes and Levels of Service

The Traffic Impact Study indicates that existing traffic volumes at the site's frontage on Belmont Ridge Road 7592 vehicle trips per day (vpd). The applicant's traffic study shows the trip generation for the 168 units of single family attached dwellings is 1,003 vpd. In comparison trip generation based on VDOT estimate shows that the trip generation is approximately 1462 vpd.

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Existing Lane Geometry, Existing traffic and AM/PM Peak Hour Volumes are shown in Attachments 2 and 3. The 2006 Build-out total future traffic volumes are shown in Attachment 4. It is noted this project cannot build out by 2006. Adjustment to the analysis maybe needed.

The traffic impact study indicates that the following intersection movements will be operating at Level of Service (LOS) F during the AM/PM peak hours under stop sign control:

Name of intersection	Approach	Level of service & Delay AM Peak	Level of service & Delay PM Peak	Overall LOS & Delay
Belmont Ridge Road /Ryan Road	Northbound	F (102.7)	F (106.2)	F 98.9 PM
Belmont Ridge Road /Alford Road	Westbound	F (60.7)	F (93.7)	Not provided
Belmont Ridge Road/ Truro Parish Road	Westbound	F (169.8)	F (385.2)	Not provided

The LOS at these intersections will be acceptable once traffic signals are installed. The traffic study does not analyze the future intersection of Route 659/Croson Lane.

Transportation Comments and Recommendations

The Office of Transportation Services Staff has reviewed the Belmont Overlook and recommends the following:

1. Route 659 is planned as a 6-lanes, 120 feet of right-of-way, median divided road at the site's frontage. Additionally, the applicant should construct a half section 2-lanes of a 4-lane divided road within the ultimate alignment along the site frontage and provide all the necessary construction related easement including grading utility and drainage easement.
2. As an alternate the applicant can make a cash-in-lieu of contribution as noted in Comment 3 below. Currently the applicant should dedicate 60 feet from the center line to the property line, the applicant may required to dedicate additional ROW for turning lanes and the trails. Since there are no construction plans at this time, the applicant should reserve another 30 feet of right-of-way from the existing center line of Route 659 for future expansion if necessary. The future dedication of the reservation would be at the request of the Board of Supervisors. Experience with expanding existing 2-lane roads to a 6-lane divided sections has shown it is unlikely the improvement will be symmetrical to existing centerlines. If the dedication of the reservation proves to be necessary, the request will be made once this information is available.
3. If the frontage improvement is not constructed, the applicant should pay cash-in-lieu of construction prior to approval of the first record subdivision or first site plan, whichever is first in time, the applicant shall provide a contribution for frontage improvements and a half section of the interim planned four lane divided road section within an ultimate 120

foot right-of-way along the property's Belmont Ridge Road frontage as shown on the CDP. Such cash contribution shall be provided to the County or, at the direction of the County, to another entity construction such improvements. For the purpose of determining the in-lieu-of contribution, construction should include all engineering, surveying, bonding, permit fees, utility relocation and other hard costs of construction based upon County bonding estimates pursuant to the FSM.

4. The Countywide Transportation Plan (CTP) which was adopted July 23, 2001 requires the left and right turn lane at all at-grade intersections along Belmont Ridge Road. Therefore, the applicant should provide left and right turn lanes on Route 659 at the main access of the site and at the intersection of Route 659/ Alford Road if they proceed to construction prior to the planned 4-lane improvement.
5. The applicant proposes to develop 168 residential dwellings units. Until the frontage improvements are constructed or cash contributed in lieu of construction is paid to the County, the applicant should only construct the allowed by right number of units.
6. The applicant should provide a traffic signals at the following intersections:
 - Route 659/ Site entrance
 - Route 659/ Alford Road
7. According to CTP Policy Number 11 page 2-12, Route 659 is considered one of the roads that has priority for a bicycle and pedestrian facility. VDOT is willing to maintain the trails/sidewalks if it is in the right-of-way. The applicant should construct a 10 foot trail on Route 659 at the frontage of the site.
8. This site is relatively close to the Moorfield site and it intended to be transit "friendly" and allow for bus service. In order to facilitate transit service for the future residence of this development, a public transportation contribution of \$750 per unit is recommended. Such funds shall be used for construction of regional road improvements, including right-of-way acquisition along Belmont Ridge or transit/ park and ride and ride share program.
9. The applicant should not assume that the crossover for this site is guaranteed since Route 659 is a controlled access median divided and this crossover/ location must be approved by VDOT. The applicant should make sure that the proposed entrances must meet VDOT standards.
10. The applicant should improve Alford Road along the frontage of the subject site including lane widening with shoulders and ditches. Improvements should include the intersection of Route 659/Alford Road to be a perpendicular to Route 659 and to be aligned with the entrance cross the road. A typical section needs to be determined in cooperation with VDOT.

11. The applicant should proffer a noise impact study along Route 659 to protect the residential units that have frontage on this road. The study would be conducted at the subdivision.
12. The traffic impact study shows that the Average Daily Traffic (ADT) for the total future plus 10 (2016) peak hour volumes is 11,250 vehicles per day (vpd). Another traffic study shows the ADT for the same segment of Route 659 for the 2007 background traffic volume is 24,050 vpd. Also, the Washington Metropolitan Council of Government (COG) model shows the projected ADT for the 2015 at the vicinity of the site is 36,640. The ADT is expected to be much more than the stated volumes in the traffic study.

Conclusion

The issues above will be discussed further with the County staff and therefore no recommendation is provided at this time.

CC: Terrie Laycock, Assistant County Administrator

CC: Chip Taylor, Highway Division Chief

CC: Nancy R. Gourley, Transit Division Manager

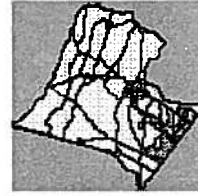
Attachment 1: Project Vicinity Map

Attachment 2: Existing peak hour volumes

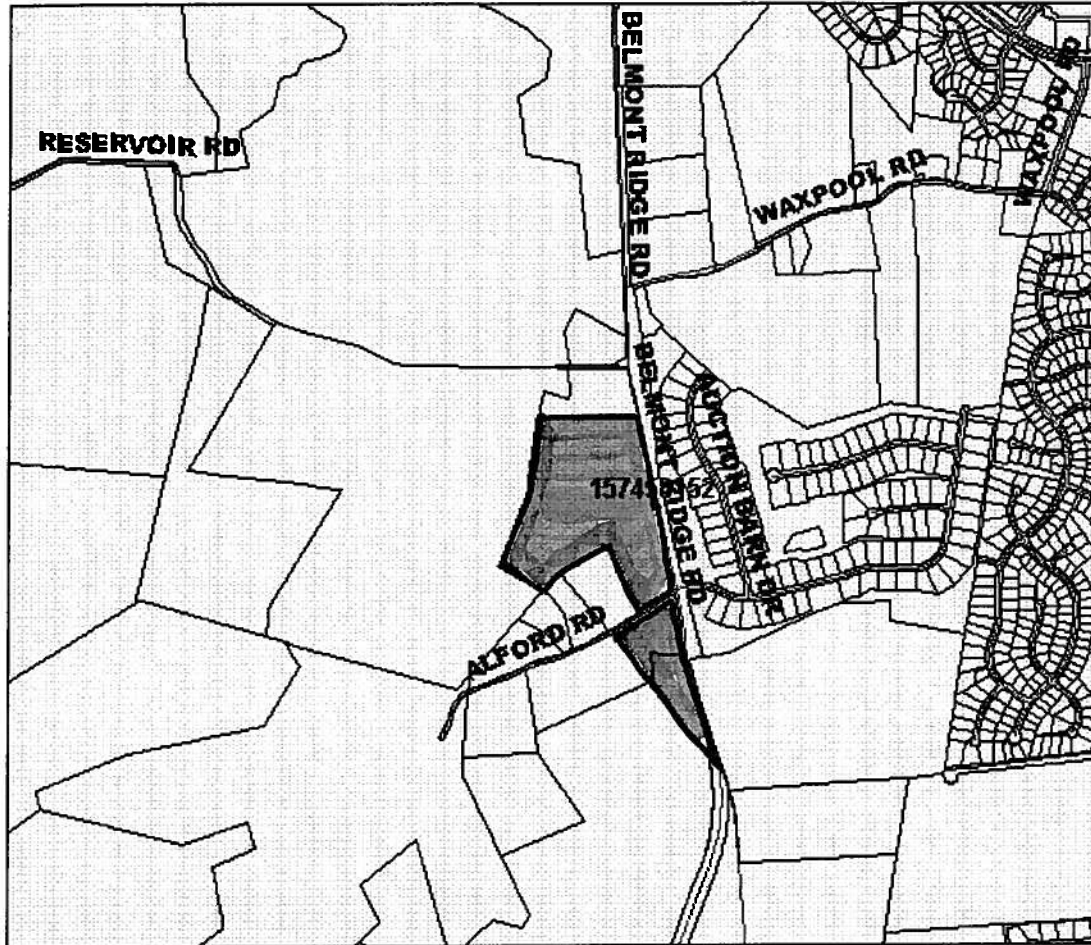
Attachment 3: Existing Lane Geometry

Attachment 5: Total future traffic volumes

Loudoun County Mapping System



7,055,490



7,047,935

11,753,152

Map Width=8,637 feet

11,761,788

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PIN	Address
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ATTACHMENT 1

A-103

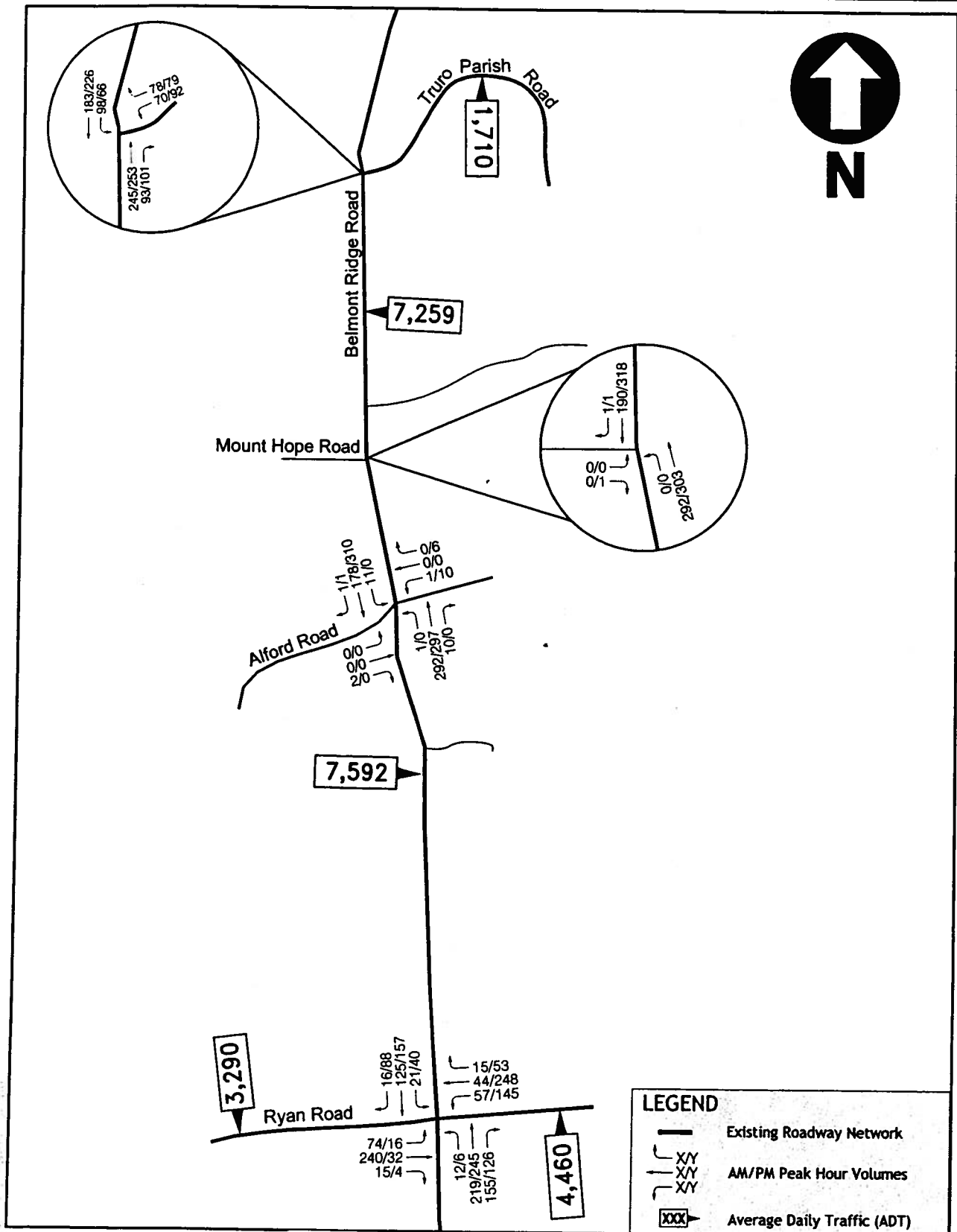


Figure 3
Existing Peak Hour Volumes

ATTACHMENT 2

A-104

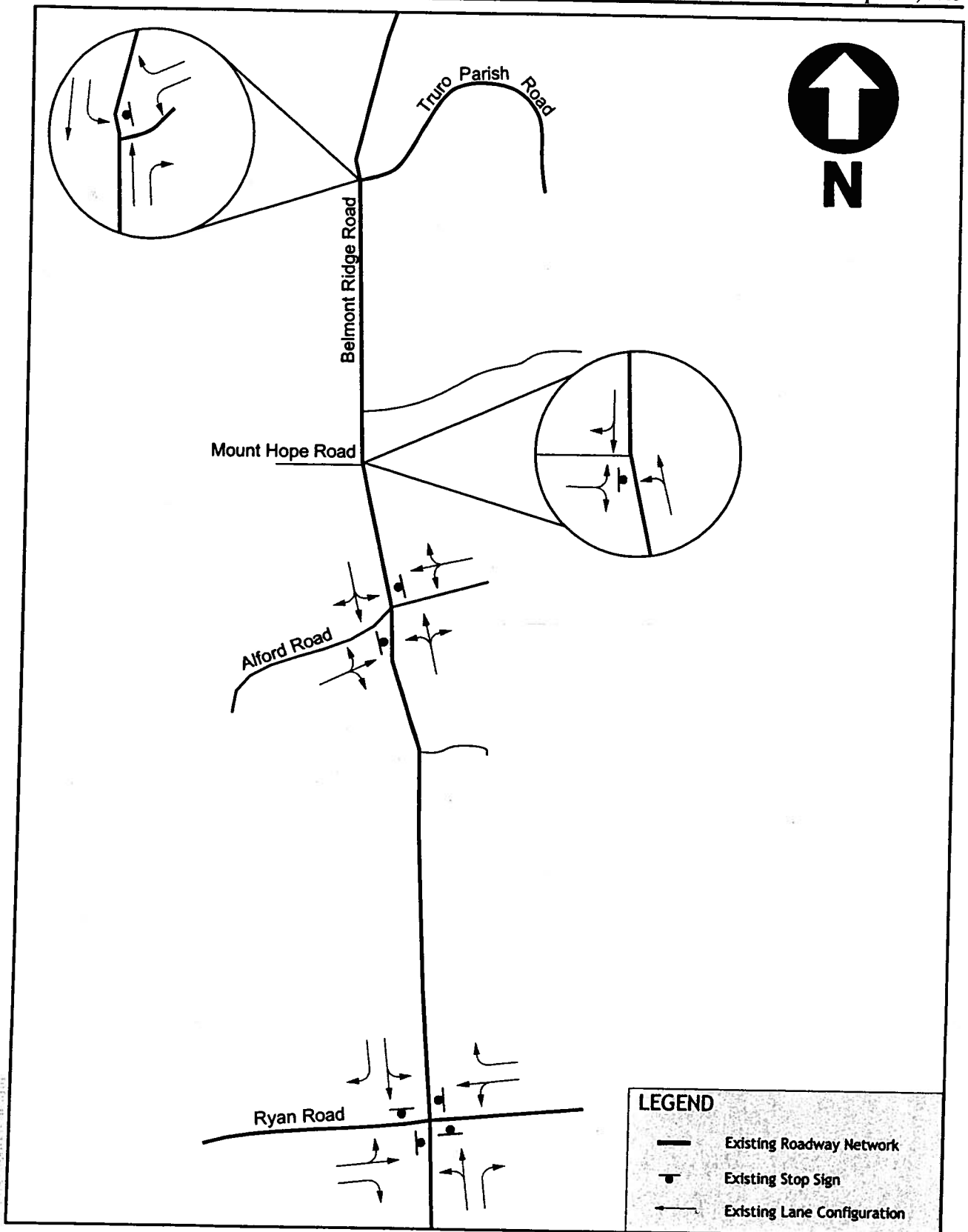


Figure 2
Existing Local Roadway Network

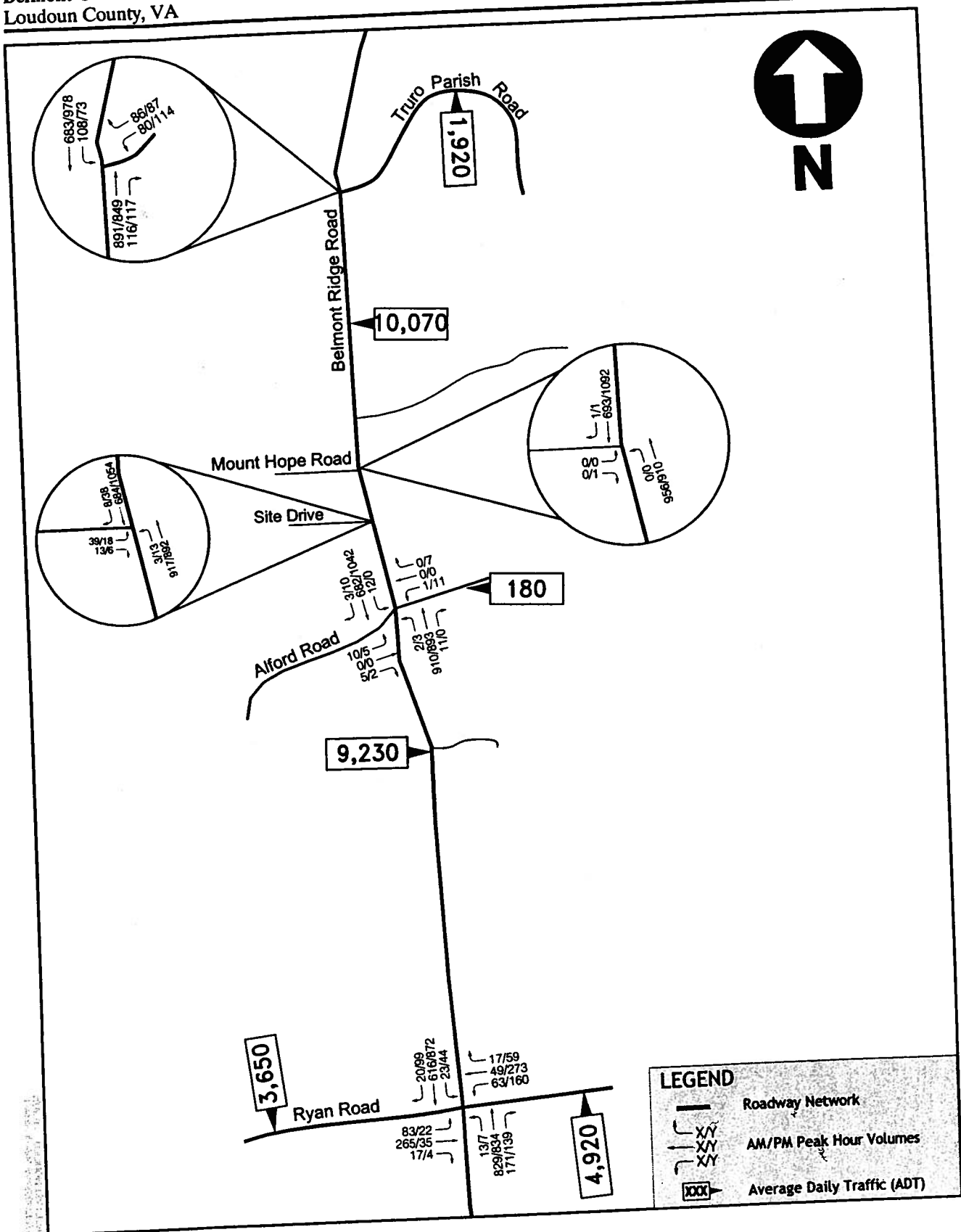


Figure 8
Total Future (2006) Peak Hour Volumes

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: January 17, 2007
TO: Michael Elabarger, Planner, Planning Department
FROM: Shaheer Assad, Senior Transportation Engineer/Planner
THROUGH: Arthur J. Smith, Senior Coordinator Planning and Development
SUBJECT: ZMAP 2005-0024 /SPEX 2006-0035 Belmont Overlook

First Referral - REACTIVATION

Background

The applicant, K. Hovnanian Homes Inc. is seeking to construct 145 Single Family Attached residential units including 19 Affordable Dwelling Units (ADU). The site is located on the west side of Belmont Ridge Road (Route 659) and the south and north sides of Alford Road (Route 646). Please see Attachment 1, Project Vicinity Map. This application has been in active from January 3, 2006 to November 20, 2006. The applicant has added a Special Exception (SPEX 2006-0035) to incorporate necessary changes to the conditions and plat recently approved with SPEX 2005-0022. The applicant has requested to rezone approximately 40 acres from R-1 to PD-H4. The proposed access to the site will be from Belmont Ridge Road. The following is a summary of the status of the issues identified by the comments in the Office of Transportation Services referral dated October 26, 2006.

Transportation Comments and Responses

Comment 1: Route 659 is planned as a 6-lanes, 120 feet of right-of-way, median divided road at the site's frontage. Additionally, the applicant should construct a half section, 2-lanes of a 4-lane divided road within the ultimate alignment along the site frontage and provide all the necessary construction related easement including grading utility and drainage easement.

Applicant Response: As noted below, the applicant will proffer a cash-in-lieu contribution for this improvement and will construct the necessary frontage improvements and turn lanes to access the property from the existing 2 lane section of Route 659.

Issue Status: Using the most recent VDOT cost estimates for constructing a half section of a 4-lane median divided road, OTS estimates that the cost of a half section along the

applicant's Route 659 frontage would be approximately \$2.5 million in 2006 dollars. The applicant's suggested contribution is \$5,000 per unit for a total of \$725,000.

Plus the funds would not result in any new pavement on Route 659 for a long time. Obviously, this issue needs much more consideration. There may be opportunities for coordination with Brambleton to the south or the Route 659 Road Club to the north. Issue not resolved.

Comment 2: As an alternate the applicant can make a cash-in-lieu of contribution as noted in Comment 3 below. Currently the applicant should dedicate 60 feet from the center line to the property line, the applicant may required to dedicate additional ROW for turning lanes and the trails. Since there are no construction plans at this time, the applicant should reserve another 30 feet of right-of-way from the existing center line of Route 659 for future expansion if necessary. The future dedication of the reservation would be at the request of the Board of Supervisors. Experience with expanding existing 2-lane roads to 6-lane divided sections has shown it is unlikely the improvement will be symmetrical to existing centerlines. If the dedication of the reservation proves to be necessary, the request will be made once this information is available.

Applicant Response: The applicant will proffer to dedicate 60 feet from centerline and additional right-of-way as may be needed for turn lanes. The applicant will also proffer to prevent the construction of buildings and improvements, other than landscaping, within 30 feet of this dedication to facilitate the provision of additional right-of-way that may be needed for the widening of Route 659.

Issue Status: The applicant should coordinate with Brambleton to the south or the Route 659 Road Club to determine where the half section of Route 659 should be located.

Comment 3: If the frontage improvement is not constructed, the applicant should pay cash-in-lieu of construction prior to approval of the first record subdivision or first site plan, whichever is first in time, the applicant shall provide a contribution for frontage improvements and a half section of the interim planned four lane divided road section within an ultimate 120 foot right-of-way along the property's Belmont Ridge Road frontage as shown on the CDP. Such cash contribution shall be provided to the County or, at the direction of the County, to another entity construction such improvements. For the purpose of determining the in-lieu-of contribution, construction should include all engineering, surveying, bonding, permit fees, utility relocation and other hard costs of construction based upon County bonding estimates pursuant to the FSM.

Applicant Response: The applicant will construct turn lanes to provide safe access to the property. The applicant will proffer a regional road contribution of \$5,000 per unit in lieu of the construction of a 2-lane half section of the planned 4-lane divided section for Route 659.

Issue Status: Using the most recent VDOT cost estimates for constructing a half section of a 4-lane median divided road, OTS estimates that the cost of a half section along the applicant's Route 659 frontage would be approximately \$2.5 million in 2006 dollars. The applicant's suggested contribution is \$5,000 per unit for a total of \$725,000.

Plus the funds would not result in any new pavement on Route 659 for a long time. Obviously, this issue needs much more consideration. There may be opportunities for coordination with Brambleton to the south or the Route 659 Road Club to the north. Issue not resolved.

Comment 4: The Countywide Transportation Plan (CTP) which was adopted July 23, 2001 requires the left and right turn lane at all at-grade intersections along Belmont Ridge Road. Therefore, the applicant should provide left and right turn lanes on Route 659 at the main access of the site and at the intersection of Route 659/ Alford Road if they proceed to construction prior to the planned 4-lane improvement.

Applicant Response: The applicant has proffered turn lanes on Route 659 at the site entrance and at Alford Road as recommended.

Issue Status: Resolved

Comment 5: The applicant proposes to develop 145 residential dwellings units. Until the frontage improvements are constructed or cash contributed in lieu of construction is paid to the County, the applicant should only construct the allowed by right number of units.

Applicant Response: The applicant will proffer a cash-in-lieu contribution to the County for a 2-lane half section of the planned 4-lane divided section for Route 659.

Issue Status: Please see the issue status for comment 1.

Comment 6: The applicant should provide traffic signals at the following intersections:

- Route 659/ Site entrance
- Route 659/ Alford Road

Applicant Response: The applicant will proffer to provide a contribution toward a signal at the intersection of Alford Road and Belmont Ridge Road. With signals on Route 659 at Alford Road and Truro Parish Road, a traffic signal may not be warranted at the site entrance.

Issue Status: As currently shown on the rezoning plat, the warrants for the intersection of Route 659/ Alford Road will not meet the warrants. However, the applicant may need to provide another entrance on Alford Road since the majority of the residential units are located on the north section of Alford Road.

Comment 7: According to CTP Policy Number 11 page 2-12, Route 659 is considered one of the roads that has priority for a bicycle and pedestrian facility. VDOT is willing to maintain the trails/sidewalks if it is in the right-of-way. The applicant should construct a 10 foot trail on Route 659 at the frontage of the site.

Applicant Response: The pedestrian circulation plan on Sheet 5 shows an 8' trail along the property's frontage.

Issue Status: The applicant should provide a cost estimate for constructing 8' trail along the property's frontage based on the most recent VDOT cost estimates for urban typical section for bikeway trail at the frontage of the site along Route 659.

Comment 8: This site is relatively close to the Moorfield site and it intended to be transit "friendly" and allow for bus service. In order to facilitate transit service for the future residence of this development, a public transportation contribution of \$750 per unit is recommended. Such funds shall be used for construction of regional road improvements, including right-of-way acquisition along Belmont Ridge or transit/ park and ride and ride share program.

Applicant Response: The applicant will proffer \$750 per unit for transit improvements as recommended.

Issue Status: Resolved

Comment 9: The applicant should not assume that the crossover for this site is guaranteed since Route 659 is a controlled access median divided and this crossover/ location must be approved by VDOT. The applicant should make sure that the proposed entrances must meet VDOT standards.

Applicant Response: The proposed entrance to the property meets VDOT's spacing requirements for crossover locations.

Issue Status: Resolved

Comment 10: The applicant should improve Alford Road along the frontage of the subject site including lane widening with shoulders and ditches. Improvements should include the intersection of Route 659/Alford Road to be a perpendicular to Route 659 and to be aligned with the entrance cross the road. A typical section needs to be determined in cooperation with VDOT.

Applicant Response: Sheet 4 of the revised plan set does include a typical 20' pavement section for Alfred Road within a 50' right-of-way.

Issue Status: Not Resolved, Alford Road should have an urban typical section, meets VDOT standards and align with the road entrance at the opposite side of Route 659.

Comment 11: The applicant should proffer a noise impact study along Route 659 to protect the residential units that have frontage on this road. The study would be conducted at the subdivision.

Applicant Response: The applicant will proffer a noise impact study as recommended.

Issue Status: Resolved

Comment 12: The traffic impact study shows that the Average Daily Traffic (ADT) for the total future plus 10 (2016) peak hour volumes is 11,250 vehicles per day (vpd). Another traffic study shows the ADT for the same segment of Route 659 for the 2007 background traffic volume is 24,050 vpd. Also, the Washington Metropolitan Council of Government (COG) model shows the projected ADT for the 2015 at the vicinity of the site is 36,640. The ADT is expected to be much more than the stated volumes in the traffic study.

Applicant Response: The reported ADT was due to a calculation error. The correct ADT is 31,890. Grove/Slade is prepared to provide OTS with an amended traffic study, If required

Issue Status: Resolved

Comment 13: The Emergency Access can be eliminated if the applicant provides another entrance on Alford Road.

Conclusion

The issues above will be discussed further with the County staff and therefore no recommendation is provided at this time.

CC: Terrie Laycock, Acting Director
CC: Andrew Beacher, Highway Division Chief
CC: Nancy R. Gourley, Transit Division Manager

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: February 11, 2008

TO: Mike Elabarger, Planner, Department Of Planning

FROM: Shaheer Assad, Senior Transportation Engineer/Planner

THROUGH: Arthur J. Smith, Senior Coordinator Planning and Development

**SUBJECT: ZMAP 2005-0024 Belmont Overlook
Third Referral**

Background

The applicant, K. Hovnanian Homes Inc. is seeking to construct 149 Single Family Attached residential units including 19 Affordable Dwelling Units (ADU). The site is located on the west side of Belmont Ridge Road (Route 659) and the south and north sides of Alford Road (Route 646). Please see Attachment 1, Project Vicinity Map. This application has been in active from January 3, 2006 to November 20, 2006. The applicant has added a Special Exception (SPEX 2006-0035) to incorporate necessary changes to the conditions and plat recently approved with SPEX 2005-0022. The applicant has requested to rezone approximately 40 acres from R-1 to PD-H4. The proposed access to the site will be from Belmont Ridge Road. The following is a summary of the status of the issues identified by the comments in the Office of Transportation Services referral dated October 26, 2006.

Transportation Comments and Responses

Comment 1: Route 659 is planned as a 6-lanes, 120 feet of right-of-way, median divided road at the site's frontage. Additionally, the applicant should construct a half section, 2-lanes of a 4-lane divided road within the ultimate alignment along the site frontage and provide all the necessary construction related easement including grading utility and drainage easement.

Applicant Response: As noted below, the applicant will proffer a cash-in-lieu contribution for this improvement and will construct the necessary frontage improvements and turn lanes to access the property from the existing 2 lane section of Route 659.

Issue Status: Using the most recent VDOT cost estimates for constructing a half section of a 4-lane median divided road, OTS estimates that the cost of a half section along the applicant's Route 659 frontage would be approximately \$2.5 million in 2006 dollars. The applicant's suggested contribution is \$5,000 per unit for a total of \$725,000.

Plus the funds would not result in any new pavement on Route 659 for a long time. Obviously, this issue needs much more consideration. There may be opportunities for coordination with Brambleton to the south or the Route 659 Road Club to the north. Issue not resolved.

Applicant 2nd Response: The property is burdened with a lengthy Route 659 frontage, approximately 3,000 feet, and a limited development area, which results in an unreasonably high per unit cost for the suggested regional road improvement. The applicant has increased its regional road contribution to 6,900 for a total contribution of \$1,028,100 based on the current yield of 149 units. Please see Proffer V.C. The applicant is willing to discuss road construction options with staff in lieu of a cash contribution provided that staff will support a credit of the full value of such road improvements against the application's anticipated capital facilities contribution.

Final Issue Status: OTS met with the applicant on February 6, 2007 to resolve the remaining issues that have not been resolved. The outstanding issue is the improvements to Route 659. The applicant offered to contribute 2.5 million dollars which is a cost estimate to construct a half section along the frontage of the site. Using the 2.5 million dollars toward improvement of the existing two lanes along the site was discussed. The applicant agreed to prepare designs based on this approach. OTS will review these plans once the applicant submitted them to the County.

Comment 2: As an alternate the applicant can make a cash-in-lieu of contribution as noted in Comment 3 below. Currently the applicant should dedicate 60 feet from the center line to the property line, the applicant may required to dedicate additional ROW for turning lanes and the trails. Since there are no construction plans at this time, the applicant should reserve another 30 feet of right-of-way from the existing center line of Route 659 for future expansion if necessary. The future dedication of the reservation would be at the request of the Board of Supervisors. Experience with expanding existing 2-lane roads to a 6-lane divided sections has shown it is unlikely the improvement will be symmetrical to existing centerlines. If the dedication of the reservation proves to be necessary, the request will be made once this information is available.

Applicant Response: The applicant will proffer to dedicate 60 feet from centerline and additional right-of-way as may be needed for turn lanes. The applicant will also proffer to prevent the construction of buildings and improvements, other than landscaping, within 30 feet of this dedication to facilitate the provision of additional right-of-way that may be needed for the widening of Route 659.

Issue Status: The applicant should coordinate with Brambleton to the south and the Route 659 Road Club to determine where the half section of Route 659 should be located.

Applicant 2nd Response: The applicant has met with a representative of the Route 659 Road Club and learned that the road improvements contemplated by that group are much further to the north of the property and would not immediately benefit the property.

Final Issue Status: Please see Final Issue Status for Comment 1.

Comment 3: If the frontage improvement is not constructed, the applicant should pay cash-in-lieu of construction prior to approval of the first record subdivision or first site plan, whichever is first in time, the applicant shall provide a contribution for frontage improvements and a half section of the interim planned four lane divided road section within an ultimate 120 foot right-of-way along the property's Belmont Ridge Road frontage as shown on the CDP. Such cash contribution shall be provided to the County or, at the direction of the County, to another entity

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construction such improvements. For the purpose of determining the in-lieu-of contribution, construction should include all engineering, surveying, bonding, permit fees, utility relocation and other hard costs of construction based upon County bonding estimates pursuant to the FSM.

Applicant Response: The applicant will construct turn lanes to provide safe access to the property. The applicant will proffer a regional road contribution of \$5,000 per unit in lieu of the construction of a 2-lane half section of the planned 4-lane divided section for Route 659.

Issue Status: Using the most recent VDOT cost estimates for constructing a half section of a 4-lane median divided road, OTS estimates that the cost of a half section along the applicant's Route 659 frontage would be approximately \$2.5 million in 2006 dollars. The applicant's suggested contribution is \$5,000 per unit for a total of \$725,000. Plus the funds would not result in any new pavement on Route 659 for a long time. Obviously, this issue needs much more consideration. There may be opportunities for coordination with Brambleton to the south or the Route 659 Road Club to the north. Issue not resolved.

Applicant 2nd Response: As noted above, the applicant is willing to discuss road construction options with staff in lieu of a cash contribution provided that staff will support a credit of the full value of such road improvements against the application's anticipated capital facilities contribution.

Final Issue Status: Please see Final Issue Status for Comment 1.

Comment 4: The Countywide Transportation Plan (CTP) which was adopted July 23, 2001 requires the left and right turn lane at all at-grade intersections along Belmont Ridge Road. Therefore, the applicant should provide left and right turn lanes on Route 659 at the main access of the site and at the intersection of Route 659/ Alford Road if they proceed to construction prior to the planned 4-lane improvement.

Applicant Response: The applicant has proffered turn lanes on Route 659 at the site entrance and at Alford Road as recommended.

Issue Status: Resolved

Comment 5: The applicant proposes to develop 149 residential dwellings units. Until the frontage improvements are constructed or cash contributed in lieu of construction is paid to the County, the applicant should only construct the allowed by right number of units.

Applicant Response: The applicant will proffer a cash-in-lieu contribution to the County for a 2-lane half section of the planned 4-lane divided section for Route 659.

Issue Status: Please see the issue status for comment 1.

Applicant 2nd Response: In addition to cash contributions for regional road improvements and traffic signals, the applicant has proffered to construct turn lanes for the property's main entrance on Route 659 and to realign existing Alford Road. The proffered road improvements will be constructed prior to the occupancy of the units that will be served by the improvements.

Final Issue Status: Please see Final Issue Status for Comment 1.

Comment 6: The applicant should provide traffic signals at the following intersections:

- Route 659/ Site entrance
- Route 659/ Alford Road

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Applicant Response: The applicant will proffer to provide a contribution toward a signal at the intersection of Alford Road and Belmont Ridge Road. With signals on Route 659 at Alford Road and Truro Parish Road, a traffic signal may not be warranted at the site entrance.

Issue Status: As currently shown on the rezoning plat, the warrants for the intersection of Route 659/ Alford Road will not meet the warrants. However, the applicant may need to provide another entrance on Alford Road since the majority of the residential units are located on the north section of Alford Road.

Applicant 2nd Response: The draft proffers have been revised to allow the signal contribution to be used for either the site entrance or the Alford Road intersection or for another nearby intersection on Route 659, as determined by the County. A connection to Alford Road for the northern portion of the property is not practical due to environmental and other property constraints.

Final Issue Status: Not resolved

Comment 7: According to CTP Policy Number 11 page 2-12, Route 659 is considered one of the roads that has priority for a bicycle and pedestrian facility. VDOT is willing to maintain the trails/sidewalks if it is in the right-of-way. The applicant should construct a 10 foot trail on Route 659 at the frontage of the site.

Applicant Response: The pedestrian circulation plan on Sheet 5 shows an 8' trail along the property's frontage.

Issue Status: The applicant should provide a cost estimate for constructing 8' trail along the property's frontage based on the most recent VDOT cost estimates for urban typical section for bikeway trail at the frontage of the site along Route 659.

Applicant 2nd Response: The draft proffers and the CDP have been revised to provide the recommended 10-foot trail.

Final Issue Status: Resolved

Comment 8: This site is relatively close to the Moorefield Station site and it intended to be transit "friendly" and allow for bus service. In order to facilitate transit service for the future residents of this development, a public transportation contribution of \$750 per unit is recommended. Such funds shall be used for construction of regional road improvements, including right-of-way acquisition along Belmont Ridge or transit/ park and ride and ride share program.

Applicant Response: The applicant will proffer \$750 per unit for transit improvements as recommended.

Issue Status: Resolved

Comment 9: The applicant should not assume that the crossover for this site is guaranteed since Route 659 is a controlled access median divided and this crossover/ location must be approved by VDOT. The applicant should make sure that the proposed entrances must meet VDOT standards.

Applicant Response: The proposed entrance to the property meets VDOT's spacing requirements for crossover locations.

Issue Status: Resolved

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Comment 10: The applicant should improve Alford Road along the frontage of the subject site including lane widening with shoulders and ditches. Improvements should include the intersection of Route 659/Alford Road to be a perpendicular to Route 659 and to be aligned with the entrance cross the road. A typical section needs to be determined in cooperation with VDOT.

Applicant Response: Sheet 4 of the revised plan set does include a typical 20' pavement section for Alfred Road within a 50' right-of-way.

Issue Status: Not Resolved, Alford Road should have an urban typical section, meets VDOT standards and align with the road entrance at the opposite side of Route 659.

Applicant 2nd Response: The CDP has been revised to provide the requested realignment for a two-lane rural typical section.

Final Issue Status: Resolved

Comment 11: The applicant should proffer a noise impact study along Route 659 to protect the residential units that have frontage on this road. The study would be conducted at the subdivision.

Applicant Response: The applicant will proffer a noise impact study as recommended.

Issue Status: Resolved

Comment 12: The traffic impact study shows that the Average Daily Traffic (ADT) for the total future plus 10 (2016) peak hour volumes is 11,250 vehicles per day (vpd). Another traffic study shows the ADT for the same segment of Route 659 for the 2007 background traffic volume is 24,050 vpd. Also, the Washington Metropolitan Council of Government (COG) model shows the projected ADT for the 2015 at the vicinity of the site is 36,640. The ADT is expected to be much more than the stated volumes in the traffic study.

Applicant Response: The reported ADT was due to a calculation error. The correct ADT is 31,890. Grove/Slade is prepared to provide OTS with an amended traffic study, If required

Issue Status: Resolved

Comment 13: The Emergency Access can be eliminated if the applicant provides another entrance on Alford Road.

Applicant 2nd Response: As noted above, another entrance on Alford Road is not practical due to environmental and other property constraints.

Final Issue Status: Resolved (Check with VDOT)

Conclusion

The issues above will be discussed further with the County staff and therefore no recommendation is provided at this time.

CC: Terrie Laycock, Acting Director
CC: Andrew Beacher, Highway Division Chief
CC: Nancy R. Gourley, Transit Division Manager

A-115

From: Shaheer Assad
To: Elabarger, Mike
Date: 2/29/2008 4:08 PM
Subject: Belmont Overlook ZMAP 2005-0024 (Issue States)

CC: Beacher, Andrew; Laycock, Terrie; Smith, Arthur J.
Hi Mike,

I reviewed the applicant responses dated February 21, 2008 for the OTS third referral. The issue for Comments 1, 2, 3 and 5 are out standing issues and they are not resolved. The applicant states that he is preparing the two-lane improvements design which was discussed during the meeting with VDOT. The issue for the traffic signal is not resolved. The contribution for the traffic signal has not been determined yet. Please let me know if you have any question relating to this application. Thanks!

Shaheer

Shaheer Assad
Senior Transportation Engineer/Planner
Loudoun County Government
1 Harrison St. SE 3rd floor
Leesburg VA 20177
Tel: 703-737-8792

A-115.1

MEMORANDUM

TO: Mike Elabarger, Department of Planning (#62)
FROM: Larr Kelly, Zoning Division, Department of Building and Development (#60)
THROUGH: Office of the County Attorney
DATE: November 8, 2007
RE: ZMAP 2005-0024: Belmont Overlook
FILE #: 11-04-435

As requested, I have reviewed the revised draft proffers, dated October 10, 2007, for the above referenced Zoning Map Amendment application. I have also reviewed the conditions for Special Exception SPEX 2006-0035, Alford Tower. Pursuant to this review, I offer the following comments:

A. In regard to the proffers for ZMAP 2005-0024:

1. In regard to proffer I., concerning the Concept Plan, I note that the applicant is only proffering conformance with Sheet 3 of the plan set. I suggest that consideration be given to Sheets 1, 5, 6, and 7 as well. I also note that it is the Sheet 4 Illustrative Plan that contains the most detail for this site, and which was previously included in the proffers. Ideally, this sheet should also be proffered.
2. In regard to proffer III., in the sixth line thereof, the applicant has indicated that the recreational amenities will be constructed in conjunction with the development of the adjacent residential units. However, the specific amenities listed in this proffer are not shown on the Concept Plan and, therefore, it is not feasible to know when the adjacent residential development is being constructed. I suggest that either Sheet 4 showing the amenities be included, or that more specific trigger mechanisms be referenced.
3. In further regard to proffer III., in the last sentence thereof, the applicant has indicated the intent to construct a trail along Route 659 prior to the issuance of the 100th zoning permit, provided that the final design for the widening of Route 659 has been approved. This does not address what their intent is in the event the final design is not known at that time. I suggest that this be clearly expressed.
4. In regard to proffer V.B.1, concerning the dedication for Alford Road, I note that while the applicant has indicated the intent to dedicate right of way as shown on the Concept Plan, it is not clear whether this dedication is to occur along the Property's full length of frontage along Alford Road, or only to the entrance to the southern portion of the Property. I suggest that this be clarified.

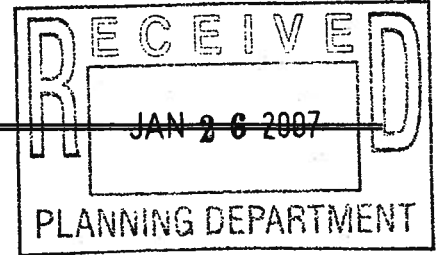
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5. In regard to proffer V.B.2., concerning Alford Road construction, I note that on Sheet 4 there is a note indicating that some off-site right of way may be needed in order to construct the proffered improvement. If this is the case, then I suggest that the applicant assume responsibility for acquiring the necessary off-site right of way.
6. In regard to proffer VII.A.2., in the eighth line thereof, I note that the applicant has indicated that if trees need to be removed, then they shall replace them with species, and in locations, to be determined by the applicant. I suggest that the species and location should be of the same general type and in the same general location as the trees removed, unless otherwise directed by the County.
7. In regard to proffer VII.C, in the next to last line thereof, I suggest that the phrase “, and ensure conformance with said standards,” be inserted following the word “roadway”.
8. In regard to proffer VIII.A., in the eleventh line thereof, I suggest that the phrase “fire and/or rescue service to the Property is no longer provided by an incorporated volunteer company” be changed to “fire and rescue services to the Property are no longer provided by incorporated volunteer companies”.
9. In regard to proffer IX., in the first line thereof, I suggest that the phrase “for the Property” be inserted following the phrase “site plan”.
10. These proffers need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

B. In regard to the conditions for SPEX 2006-0035:

1. In regard to condition 1., in the third line thereof, I suggest that the phrase “and revised through July 31, 2007” be inserted following the date “September 22, 2006”. I also note that the referenced special exception plat does not contain the correct application number, and I suggest that this be corrected
2. In regard to condition 3., I note that it states that the applicant shall provide a secondary access point as shown on the Concept Plan for ZMAP 2005-0024, Belmont Overlook. However, Sheet 3, which is the only proffered sheet for Belmont Overlook, does not show such connection. This was illustrated on Sheet 4, which is no longer being proffered. This inconsistency needs to be eliminated.
3. In regard to condition 4., I note that there is a reference to the “existing service driveway” in this condition, but no mention made of the “proposed” gate, or the “proposed” 40’ private access easement shown on the plat. I question whether these need to be addressed. I also question whether a public access easement for emergency vehicles is needed over the private street.

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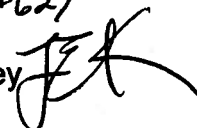


MEMORANDUM

OFFICE OF THE COUNTY ATTORNEY LOUDOUN COUNTY, VIRGINIA

DATE: January 26, 2007

TO: Michael Elabarger, Department of Planning (#62)

FROM: Lawrence E. Kelly, Assistant County Attorney 

SUBJECT: ZMAP 2005-0024: Belmont Overlook
SPEX 2006-0035: E.A.R., Ltd

FILE #: 11-04-435

As requested, I have reviewed the draft proffers, dated October 17, 2006, for the above referenced Zoning Map Amendment application. I have also reviewed the draft conditions, also dated October 17, 2006, for the above referenced Special Exception application. Pursuant to this review, I offer the following comments:

- A. In regard to the joint proposal of amending the existing special exception for a telecommunications tower on this property, and the proposed Zoning Map Amendment to change the zoning on this property to PD-H4, I note that Section 5-618(C) does not include PD-H zoning districts as places where telecommunications towers can be located. Section 5-618(C)(3)(I) specifically states that "No tower shall be located within a PD-H or PD-RV zoning district". So, if this property is rezoned to a PD-H zoning district, I do not see how a special exception application is being processed for the proposed use. I urge staff to consult with the Zoning Division of the Department of Building and Development for their input on whether the area of the special exception use, and the access road to the use, should be included within the Zoning Map Amendment, or whether this special exception application can be considered if the zoning district is to be changed to PD-H.
- B. In regard to the Special Exception conditions:
1. In regard to condition 1., in the first line thereof, I suggest that the phrase

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“, telecommunications tower,” be inserted following the phrase “the proposed use”.

2. In further regard to condition 1., concerning the special exception plat, it appears that the access to the telecommunications tower is not included within the special exception area. As this driveway constitutes an accessory use to the tower, I suggest taht it needs to be within the special exception area.
3. In further regard to condition 1., I suggest that the intent in regard to providing tree cover and landscaping around the tower be clarified.
4. In regard to condition 3., I am uncertain as to what are the limits of the “existing service driveway and parking areas within the tower compound”. From the special exception plat, it appears that the “existing service driveway” lies outside of the “tower compound”. I suggest that this be clarified. I also suggest that it be clarified as to whether this driveway is to constitute the primary access.
5. I note that a previous condition relating to use of the tower by Loudoun County service agencies has been deleted. I urge you to consult with the effected agencies to determine if this is no longer a desired condition.
6. I note that a previous condition, which stated that the site entrance must meet Virginia Department of Transportation entrance requirements, has been deleted. I suggest that this be retained.
7. I note that a previous condition regarding a wastewater disposal system has been deleted. I question whether it has been determined that no such system is needed, or whether this site is to be connected to public sewer and water. If it is the latter, then I suggest that this be so stated.

C. In regard to the proffers:

1. In regard to the preamble, I note that the applicant refers to the Rezoning Plat “(Sheet 2 of the ZMAP 2005-0024 application plans)”, while in proffer I., the applicant refers to “Sheets 3, 4 and 5 of the Belmont Overlook Zoning Map Amendment plans dated May 16, 2005 and revised through August 14, 2006, prepared by Dewberry”. It is not clear if the two sets of plans being referenced are intended to be the same or not. If they are, then I suggest that consistent terminology be used.

2. In regard to proffer I., concerning conformance to the Concept Plan, I again question whether the tower site and access road are appropriate for inclusion in this PD-H rezoning application.
3. In further regard to proffer I., I note that there is no minimum setback shown on the plan for construction near the tower. I suggest that the minimum setback be provided.
4. In further regard to proffer I., I note that there is no mention made in the proffers concerning the 300 foot development setback shown on the Concept Plan. It appears that this setback is from the edge of the water surface of the Beaverdam Reservoir and I urge staff to review the adequacy of such a setback from a reservoir. I also suggest that it be clarified that this "development setback" restricts any and all activity within the setback, and that storm water management ponds and utility lines will not be cut into this setback.
5. In regard to proffer III., concerning recreational amenities, I suggest that the applicant clarify their intent. I suggest that a minimum size for the swimming pool be specified, and that a minimum number, and types, of "playgrounds and sports courts" be specified.
6. In further regard to proffer III., in the third and fourth lines thereof, I suggest that the phrase "as shown on the CDP" be inserted following the phrase "gazebo and picnic sites and a community green". Additionally, in the eighth line thereof, I suggest that the phrase "Sheet 5 of" be inserted prior to the phrase "the CDP".
7. In further regard to proffer III., in the last line thereof, I suggest that the word "with" be inserted following the word "consistent".
8. In regard to proffer V.A.1., concerning Belmont Ridge Road, I note that while the applicant indicates the intent to dedicate right of way for Route 659 improvements, the applicant has not stated that the right of way will be made available upon request in the event that others are ready and able to construct the road improvements prior to the time specified in the proffer for the dedication. I suggest that such a provision be included. I also suggest that the applicant indicate that additional right of way, as needed, will be provided to accommodate necessary turn lanes.
9. In regard to proffer V.A.2., I note that the applicant has indicated the intent to dedicate "additional right of way from the Property", if it is needed

for Route 659, "within 30 days of receipt of a written request". This suggests that the additional right of way will be provided upon request, but not the right of way referenced in proffer V.A.1. I am not sure I understand this and I suggest that it be clarified.

10. In further regard to proffer V.A.2., in the seventh line thereof, I suggest that the phrase "the required landscaped berm" be changed to "a Type III Landscaped Buffer with a 4 foot earthen berm" in order to reflect what is shown on the Concept Plan.
11. In regard to proffer V.A.3., I note that this proffer addresses the provision of turn lanes on the existing 2-lane section of Route 659, but makes no provision for turn lanes otherwise. I suggest that the provision of turn lanes be addressed in the event that Route 659 improvements are constructed before they develop the Property and whether the right of way for the turn lanes is to be provided in the event that Route 59 improvements are not constructed before development of the Property.
12. In regard to proffer V.B.2., concerning improvements to Alford Road, I urge staff to consider whether the proposed rural road standard is acceptable for this development. I also note that there appears to be no alternative emergency ingress-egress for the southern part of the Property, and I urge staff to review the acceptability of this as well.
13. In regard to proffer V.C., in the second line thereof, I suggest that the word "Area" be inserted following the word "Policy".
14. In regard to proffer VII.A., I note that the applicant repeatedly refers to "Tree Conservation Areas" in the locations shown on the CDP. However, the CDP does not show any "Tree Conservation Areas". It does, however, show "Prop. Tree Conservation Areas" on Sheet 3, and "Prop. Tree Save Areas" on Sheet 5. I suggest that consistent terminology be used throughout.
15. In regard to proffer VII.A.2., in the seventh and eighth lines thereof, I note that the applicant proposes to replace any 8-inch caliper, or greater, trees damaged within the Tree Conservation Areas due to construction, with species and locations to be determined by the Owner's arborist. I suggest that staff consider the appropriateness of the size limit as this seems to only address quite large trees, and I further suggest that the replacement trees be planted in the approximate area of the damaged tree, or in another area as may be designated by the County Urban Forester.

16. In regard to proffer VII.B., in the first line thereof, the applicant refers to "the storm water management facility". I note that there are several of them shown on the Concept Plan. Therefore, I suggest that this phrase be changed to "the storm water management facilities".
17. In further regard to proffer VII.B., and the applicant's proposed use of over-sized silt ponds and super silt fencing and post-construction BMP trenches, I urge staff to review the adequacy of these provisions given this Property's location so close to a reservoir.
18. In regard to proffer VII.C., concerning a Noise Impact Study, I note that the applicant proposes to provide "buffers, berms, fencing or other noise attenuation measures along Route 659" if needed to reduce impacts from Route 659, as established by a Noise Impact Study. I question whether this proposal takes into account the buffer and four foot berm the applicant already shows on the Concept Plan. This seems to be somewhat duplicative.
19. In further regard to proffer VII.C., in the ninth line thereof, I suggest that the word "then" be inserted prior to the phrase "the Owner".
20. In regard to proffer VII. Environment, generally, I note that there is a large wetlands area shown on the Concept Plan which is not designated as a tree conservation area. I suggest that the applicant indicate their intentions in regard to this wetland area
21. In regard to proffer VIII.A., in the eleventh and twelfth lines thereof, I suggest that the phrase "fire and/or rescue service to the Property is no longer provided by an incorporated volunteer company" be changed to "fire and rescue services to the Property are no longer provided by incorporated volunteer companies."
22. In regard to proffer VIII.C., concerning Emergency Vehicle Access, I note that there is nothing in the proffers to address the provision of the Emergency Access Easement shown on the Concept Plan. I suggest that the type of facility, and the timing for its provision, be addressed.
23. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

MEMORANDUM

TO: Mike Elabarger, Department of Planning (#62)
FROM: Larr Kelly, Zoning Division, Department of Building and Development (#60)
THROUGH: Office of the County Attorney
DATE: November 8, 2007
RE: ZMAP 2005-0024: Belmont Overlook
FILE #: 11-04-435

As requested, I have reviewed the revised draft proffers, dated October 10, 2007, for the above referenced Zoning Map Amendment application. I have also reviewed the conditions for Special Exception SPEX 2006-0035, Alford Tower. Pursuant to this review, I offer the following comments:

A. In regard to the proffers for ZMAP 2005-0024:

1. In regard to proffer I., concerning the Concept Plan, I note that the applicant is only proffering conformance with Sheet 3 of the plan set. I suggest that consideration be given to Sheets 1, 5, 6, and 7 as well. I also note that it is the Sheet 4 Illustrative Plan that contains the most detail for this site, and which was previously included in the proffers. Ideally, this sheet should also be proffered.
2. In regard to proffer III., in the sixth line thereof, the applicant has indicated that the recreational amenities will be constructed in conjunction with the development of the adjacent residential units. However, the specific amenities listed in this proffer are not shown on the Concept Plan and, therefore, it is not feasible to know when the adjacent residential development is being constructed. I suggest that either Sheet 4 showing the amenities be included, or that more specific trigger mechanisms be referenced.
3. In further regard to proffer III., in the last sentence thereof, the applicant has indicated the intent to construct a trail along Route 659 prior to the issuance of the 100th zoning permit, provided that the final design for the widening of Route 659 has been approved. This does not address what their intent is in the event the final design is not known at that time. I suggest that this be clearly expressed.
4. In regard to proffer V.B.1, concerning the dedication for Alford Road, I note that while the applicant has indicated the intent to dedicate right of way as shown on the Concept Plan, it is not clear whether this dedication is to occur along the Property's full length of frontage along Alford Road, or only to the entrance to the southern portion of the Property. I suggest that this be clarified.

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5. In regard to proffer V.B.2., concerning Alford Road construction, I note that on Sheet 4 there is a note indicating that some off-site right of way may be needed in order to construct the proffered improvement. If this is the case, then I suggest that the applicant assume responsibility for acquiring the necessary off-site right of way.
 6. In regard to proffer VII.A.2., in the eighth line thereof, I note that the applicant has indicated that if trees need to be removed, then they shall replace them with species, and in locations, to be determined by the applicant. I suggest that the species and location should be of the same general type and in the same general location as the trees removed, unless otherwise directed by the County.
 7. In regard to proffer VII.C, in the next to last line thereof, I suggest that the phrase “, and ensure conformance with said standards,” be inserted following the word “roadway”.
 8. In regard to proffer VIII.A., in the eleventh line thereof, I suggest that the phrase “fire and/or rescue service to the Property is no longer provided by an incorporated volunteer company” be changed to “fire and rescue services to the Property are no longer provided by incorporated volunteer companies”.
 9. In regard to proffer IX., in the first line thereof, I suggest that the phrase “for the Property” be inserted following the phrase “site plan”.
 10. These proffers need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.
- B. In regard to the conditions for SPEX 2006-0035:
1. In regard to condition 1., in the third line thereof, I suggest that the phrase “and revised through July 31, 2007” be inserted following the date “September 22, 2006”. I also note that the referenced special exception plat does not contain the correct application number, and I suggest that this be corrected
 2. In regard to condition 3., I note that it states that the applicant shall provide a secondary access point as shown on the Concept Plan for ZMAP 2005-0024, Belmont Overlook. However, Sheet 3, which is the only proffered sheet for Belmont Overlook, does not show such connection. This was illustrated on Sheet 4, which is no longer being proffered. This inconsistency needs to be eliminated.
 3. In regard to condition 4., I note that there is a reference to the “existing service driveway” in this condition, but no mention made of the “proposed” gate, or the “proposed” 40’ private access easement shown on the plat. I question whether these need to be addressed. I also question whether a public access easement for emergency vehicles is needed over the private street.

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MEMORANDUM

TO: Mike Elabarger, Department of Planning (#62)

FROM: Larr Kelly, Zoning Division, Department of Building and Development (#60)

THROUGH: Office of the County Attorney

DATE: March 3, 2008

RE: ZMAP 2005-0024: Belmont Overlook

FILE #: 11-04-435

As requested, I have reviewed the revised draft proffers, dated February 21, 2008, for the above referenced Zoning Map Amendment application. I have also reviewed the conditions for Special Exception SPEX 2006-0035, Alford Tower. Pursuant to this review, I offer the following comments:

A. In regard to the proffers for ZMAP 2005-0024:

1. In regard to proffer I., in the third line thereof, I suggest that the word "Application" be inserted following the word "Amendment" in order to match the language found on the CDP. Additionally, I suggest that Sheets 1, 5, 6, and 7 should all be considered for inclusion in this proffer as they all contain very specific information concerning the development of the Property that is otherwise not shown on Sheet 3, which is the only sheet being proffered.
2. In regard to proffer III., concerning the recreational amenities, I note that these amenities are not shown on Sheet 3. Hence, there is no way for the County to know when or where these amenities will be provided, and the timing mechanism, which ties the provision of the amenities to the development of the adjacent residential areas, is largely meaningless. Therefore, I again suggest that Sheet 7 be proffered, as it shows the location of the amenities in relation to the pedestrian and traffic circulation within the Property.
3. In further regard to proffer 3., and its relation to proffer IV.A., I note that the applicant includes a provision that would require the County to construct a trail along the Route 659 frontage of the Property, but then also provides that the homeowners' association would bear responsibility for the trail if the County builds it. If this trail is to be outside of the VDOT right-of-way and is to be maintained by the HOA, then I suggest that the developer should be responsible for bonding and constructing it.

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4. In regard to proffer V.A.1., I suggest that the first sentence be rewritten to state "The Owner shall dedicate, at no cost to the County, the portion of the Property which lies within sixty (60) feet of the "Ultimate C/L Alignment" for Route 659, as shown on the CDP, for the widening of Route 659, by others, to the six lane divided road section recommended by the Countywide Transportation Plan. This dedication shall include additional right of way, as needed, to include turn lanes."
5. In further regard to proffer V.A.1. , in the eighth line thereof, I suggest that the phrase "of the" be inserted prior to the word "County". Additionally, in the ninth line of the proffer, I suggest that the phrase "the Owner is satisfied that" be deleted.
6. In regard to proffer V.A.3., it appears that the construction of turn lanes on the existing two lane configuration of Route 659 should only be required if the improvements to Route 659 have not been provided before the development of this Property. Therefore, I recommend that the phrase "Provided that Route 659 has not been widened prior to the approval of the first record plat or site plan, whichever occurs first," be inserted at the beginning of the proffer.
7. In regard to proffer V.C., concerning the improvement of Route 659, between Alford Road and the terminus of the four lane section of Route 659 to the south, to provide a two lane section of road that conforms with current VDOT standards, I urge staff to consider if this provision is appropriate, as it appears that this could result in the construction of some improvements that will have to be removed when the road is built to its ultimate configuration.
8. In further regard to proffer V.C., I note that the applicant does provide an alternative to the construction of these improved two lanes. However, I also note that the County must request the alternative "prior to the submission of construction plans" for the improved two lanes. I suggest that some provision be included that would require the Owner to provide timely notice of when they intend to submit the construction plans.
9. In regard to proffer V., generally, I note that there is nothing contained in the proffers obligating the applicant to provide the secondary access for the telecommunications facility that is the subject of SPEX 2006-0035. While shown on the CDP, I suggest that a timing mechanism for its provision be included.
10. In regard to proffer VII.A.2., in the eighth through tenth lines thereof, the applicant proposes that if trees have to be removed from the Tree Conservation Area, then the applicant would be able to choose the specie and location of the replacement trees. I suggest that the trees should be located in the same general area as the trees removed, unless otherwise requested by the County, and that they should be of the same specie as the trees removed.
11. In further regard to proffer VII.A.2., I note that the applicant intends to submit to the County a tree conservation plan for the Tree Conservation Areas. The

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applicant goes on to refer to the "approved conservation plan". However, it is not clear to me if the intent is for the County to review and approve the tree conservation plan. If that is the intent, then I suggest that it be clearly indicated.

12. In further regard to proffer VII.A.2., in the twenty second line thereof, I suggest that the word "ate" be changed to "are".
 13. In regard to proffer VII.B., in the first line thereof, I suggest that the phrase "Storm Water Management facilities for the Property shall be located in one or more of the sites shown on the CDP as 'possible SWM/BMP'" be added as a sentence to the start of the proffer. Additionally, I suggest that the phrase "storm water management facilities", as found in the first line of the proffer, be changed to "SWM/BMPs".
 14. In regard to proffer VII.C., in the seventh line thereof, I suggest that the phrase "for the Property" be inserted following the parenthetical "not preliminary subdivision plat".
 15. In further regard to proffer VII.C., I note that the applicant states the intent to provide "buffers, berms, fencing, or other such noise attenuation measures" along Route 659 if necessary to mitigate noise impacts from Route 659 as shown in the proposed study. However, the CDP already shows a 4 foot earthen berm along Route 659. It is not clear if the intent is to provide more of a berm, or whether the intent is that the berm shown on the CDP is only to occur if shown necessary by the noise impact study. I suggest that this apparent conflict be clarified.
 16. In regard to proffer VII.E., the applicant refers to the provision of data concerning "cultural resources". I cannot tell what the applicant intended to mean by this reference and I suggest that this be clarified.
 17. These proffers need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.
- B. In regard to the conditions for SPEX 2006-0035:
1. In regard to condition 1., I suggest that it be clarified whether these conditions are intended to fully replace the conditions of SPEX 2005-0022. I also suggest that the requested use be identified in the first sentence of this condition, following the phrase "the proposed use".
 2. In regard to condition 8., concerning "any building installed in connection with this use", I note that the neither the number nor size of buildings has been specified. I suggest that this be considered.
 3. In regard to condition 9., I suggest that the phrase "surrounding the existing tower compound" be changed to "around the 'Limit of Special Exception Cell Tower Compound'", as that is the terminology used on the special exception plat.

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